



PATENT
Attorney Docket No. 048984-5002-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Inventors: Robert F. **BARGATZE** *et al.*)
Application No. 09/913,855) Group Art Unit: 5470
Filed: August 20, 2001) Examiner: Robert A. Zeman
For: **ANTIBODIES AGAINST**)
HYDROPHOBIC PROTEINS)
THAT ARE PROTECTIVE)
AGAINST CANDIDIASIS)

Commissioner of Patents and Trademarks
U.S. Patent and Trademark Office
Customer Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

AMENDMENT & REPLY TO OFFICE ACTION
(RESTRICTION REQUIREMENT)

In response to the Office Action dated December 8, 2004, Applicants hereby elect **Group XVIII, claims 66-69**, with traverse of the non-allowance of the linking claim. A petition and fee for a five month extension of time, extending the time period for response to June 8, 2005, is submitted herewith.

With regard to the linking claim, it appears that the restriction requirement is incorrect in that it groups claim 66, directed to hydrophobic cell wall proteins of *Candida*, with Groups I-III, which are drawn to antibodies. Claims 37 and 70 have been defined as linking claims (Office Action, p. 4), and Applicants presume that claim 66 would be a linking claim as well, because it links the inventions of Groups XVII through XXII.

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According to MPEP 809, the linking claim must be examined with the elected invention. Therefore, it is not clear why the linking claims 37 and 70 are not included in any of the groups listed in the restriction requirement. Further, it is Applicants' understanding that, upon allowance of the linking claim, the restriction requirement as to the linked inventions shall be withdrawn and any claim depending from or otherwise including all the limitations of the linking claim will be entitled to examination (see Office Action, pp. 4-5). Clarification as to the classification of claim 66 and confirmation of the above election are respectfully requested.

In addition, entry of the following amended claims prior to prosecution is respectfully requested: